

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: CONGARD3

In re Application of:)	Conf. No.: 5072
)	
Patrice CONGARD, et al.)	Art Unit:
)	
Appln. No.: 10/570,135)	Examiner:
)	
Filed: September 2, 2004)	Washington, D.C.
)	
For: PROJECTION SCREEN, IN)	February 13, 2008
PARTICULAR FOR VIDEO)	
PROJECTION REDUCING ...)	

REQUEST FOR RECONSIDERATION

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building,
401 Dulany Street
Alexandria, VA 22314

Sir:

On July 2, 2007, a decision was mailed regarding applicant's petition under 37 CFR 1.47(a) filed January 3, 2007. The decision dismissed the petition without prejudice because of an alleged deficiency in the factual proof that the missing joint inventors could not be located or refused to cooperate. The decision states:

Petitioners are claiming that the conduct of the nonsigning inventor constitutes a refusal pursuant to § 409.03(d) of the MPEP. Petitioners have shown that a complete copy of the subject application was mailed to the last known address of the nonsigning inventor as required. However, the French postal receipts used to prove receipt of the

documents by Mr. Congard are in a foreign language without an accompanying English translation. Moreover, the copies submitted are illegible. Accordingly, there is no way to determine the receipt of these documents by Mr. Congard from the evidence presented. Furthermore, the 37 CFR 1.47(a) applicants should have attempted to contact the nonsigning inventor via telephone or email to verify his intention with regard to the subject application. Such efforts are not extraordinary and are required here.

Attached hereto is a new declaration of Yves Trelohan that states that he had indeed contacted the recalcitrant inventor, Mr. Congard, twice during the U.S. patent process and Mr. Congard clearly informed Mr. Trelohan that he would not sign the document. A previous letter had been sent to Mr. Congard in this regard, which was ignored. The second one is the one with the return receipt postcard, which was detailed in the previous declaration.

Mr. Trelohan states that he is aware that Mr. Congard is cooperating with a competitor of the owner of the present application, Screen Research, and, thus, Mr. Trelohan has reason to believe that further contacts beyond those reported above would be futile.

As to the issue of a translation of the French filing receipts and legible copies thereof, Exhibits E and F of his previous declaration indeed include the requested translation. Additional, hopefully more legible copies are attached, but in any event the Trelohan declaration indicates

in words what the translation is, as Mr. Trelohan understands both the French and English languages and can state that the translation provided is accurate.

As both of the deficiencies previously noted have been overcome, reconsideration of the decision of July 2, 2007, granting of applicant's petition under 37 CFR 1.47(a) and forwarding of the present application for further processing are earnestly solicited.

Respectfully submitted,

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